

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24506 PERMIT 17235 LICENSE _____

**ORDER TO CORRECT THE DESCRIPTION OF THE POINT OF DIVERSION,
POINTS OF REDIVERSION AND PLACE OF USE**

WHEREAS:

1. Permit 17235 was issued to Anthony M. Truchard and Jo Ann M. Truchard on April 4, 1984 pursuant to Application 24506.
2. The point of diversion, storage, and point of rediversion, points of rediversion and place of use should be revised to conform with the revised map and as a result of an inspection made on December 21, 1988.
3. The State Water Resources Control Board has determined that said correction will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit pertaining to the points of diversion and rediversion be described as follows:

Point of Diversion:

POD #3: California Coordinate System, Zone 2, N 224,900 and E 1,907,300, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,

Storage and Point of Rediversion:

POD #7: California Coordinate System, Zone 2, N 223,700 and E 1,907,500, being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M, and

Points of Rediversion:

POD #4: California Coordinate System, Zone 2, N 227,200 and E 1,907,500, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,

POD #5: California Coordinate System, Zone 2, N 225,900 and E 1,907,700, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,

POD #6: California Coordinate System, Zone 2, N 225,000 and E 1,907,400, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,

2. Paragraph 4 of this permit pertaining to the place of use be described as follows:

4 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
5 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
28 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
18 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
31 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
31 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
2 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 8, T5N, R4W, MDB&M,
1.5 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
22.5 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
26 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
15 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M,
14 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T5N, R4W, MDB&M.
198 acres total

Dated: MARCH 24 1992



for, Edward C. Anton, Chief
Division of Water Rights

P 17235

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24506 PERMIT 17235 LICENSE _____

ORDER TO CORRECT THE DESCRIPTION OF THE POINT OF DIVERSION
REDIVERSION AND STORAGE, TO ADD A POINT OF REDIVERSION
AND THE PLACE OF USE
AND APPROVING A NEW DEVELOPMENT SCHEDULE

1. Permit 17235 was issued to Anthony M. Truchard and JoAnn M Truchard on April 4, 1984 pursuant to Application 24506.

2. A petition to add points of redirection on Unnamed Stream and add to the place of use, and a petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board.

The points of redirection are points of diversion under other permits and will allow the permittee to move irrigation water around the vineyard, if necessary. The description of the point of diversion needs to be corrected to agree with the latest quadrangle maps.

3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform the Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1994

(0000009)

2. Paragraph 2 of this permit regarding correction and addition of points of diversion, points of redirection and storage be amended to read:

POINT OF DIVERSION AND STORAGE:

South 2,750 feet and West 1,600 feet from NE corner of projected Section 17, T5N, R4W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 17. It is also described in California Coordinate System, Zone 2, N 223,800 and E 1,907,600.

POINT OF DIVERSION FOR DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE:

South 2,250 feet and West 2,000 feet from NE corner of projected Section 17, T5N, R4W, MDB&M, being within the SWw of NEw of said Section 17. It is also described in California Coordinate System Zone 2, N 224,300 and E 1,907,100.

POINTS OF REDIVERSION:

South 1,600 feet and West 1,750 feet from NE corner of projected Section 17, T5N, R4W, MDB&M, being within the SWw of NEw of said Section 17. It is also described in California Coordinate System, Zone 2, N 224,800 and E 1,907,300,

South 550 feet and West 1,250 feet from NE corner of projected Section 17, T5N, R4W, MDB&M, being within the NEw of NEw of said Section 17. It is also described in California Coordinate System, Zone 2, N 226,000 and E 1,907,900,

North 550 feet and West 250 feet from SE corner of projected Section 8, T5N, R4W, MDB&M, being within the SEw of SEw of said Section 8. It is also described in California Coordinate System, Zone 2, N 227,100 and E 1,908,800 and

North 700 feet and West 1,600 feet from SE corner of projected Section 8, T5N, R4W, MDB&M, being within the SWw of SEw of said Section 8. It is also described in California Coordinate System, Zone 2, N 227,300 and E 1,908,400.

3. Paragraph 4 of this permit regarding the place of use be amended to read:

198 acres total located as follows:

2 acres within the NEw of SEw of projected Section 8, T5N, R4W, MDB&M,
32 acres within the SWw of SEw of projected Section 8, T5N, R4W, MDB&M,
16 acres within the SWw of NEw of projected Section 8, T5N, R4W, MDB&M,
32 acres within the NEw of NEw of projected Section 8, T5N, R4W, MDB&M,
22 acres within the NWw of NEw of projected Section 8, T5N, R4W, MDB&M,
37 acres within the SEw of SEw of projected Section 17, T5N, R4W, MDB&M,
32 acres within the SWw of SEw of projected Section 17, T5N, R4W, MDB&M,
13 acres within the NEw of SEw of projected Section 17, T5N, R4W, MDB&M,
and
14 acres within the NWw of SEw of projected Section 17, T5N, R4W, MDB&M.

4. Condition 10 of the permit be amended to read:

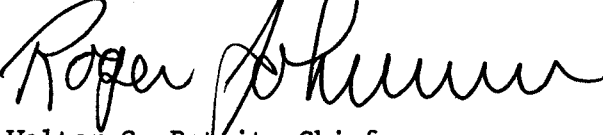
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JANUARY 28 1990



61 Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24506 PERMIT 17235 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1987

2. Paragraph 10 of this permit is deleted. A new paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

(000 0012)

Dated: APRIL 5 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17235

Application 24506 of Anthony M. Truchard and Jo Ann M. Truchard

4340 Bridle Way, Reno, Nevada 89502

filed on December 6, 1973, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Streams (2)

Napa River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Storage 1. N450 ft and W1500 ft from E $\frac{1}{4}$ Corner of Section 17	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	17	5N	4W	MD
Direct Diversion 2. S1600 ft and E550 ft from N $\frac{1}{4}$ Corner of Section 17	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	17	5N	4W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Frost Protection						
Irrigation	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	17	5N	4W	MD	14
	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	17	5N	4W	MD	6
				Total		20

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (A) BY DIRECT DIVERSION: (1) 1 CUBIC FOOT PER SECOND FROM MARCH 15 TO APRIL 14 OF EACH YEAR FOR FROST PROTECTION, (2) 1 CUBIC FOOT PER SECOND FROM APRIL 15 TO MAY 15 OF EACH YEAR FOR IRRIGATION AND FROST PROTECTION; AND (B) BY STORAGE 20 ACRE-Feet PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MAY 15 OF THE SUCCEEDING YEAR. THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE FOR ALL USES SHALL NOT EXCEED 40 ACRE-Feet PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30. THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE. THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 1 CUBIC FOOT PER SECOND. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.~~

~~8. All construction work shall be completed on or before~~

~~7. Complete application of the water to the proposed use shall be made on or before~~ DECEMBER 1, 1982. (0000009)

~~8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.~~ (0000010)

~~9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.~~ (0000011)

~~10. Pursuant to California Water Code Section 100 all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.~~

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012) replaced 4-5-84

~~11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.~~ (0000013)

12. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (0000020)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

APRIL 4 1978

STATE WATER RESOURCES CONTROL BOARD

C. Whitney
EXECUTIVE DIRECTOR

~~Chief Division of Water Rights~~